IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2714 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHAVDA GANESHJI SHANKARJI

Versus

DISTRICT SUPPLY OFFICER

Appearance:

MR PRASHANT MANKAD FOR MR YOGESH S LAKHANI for Petitioner

MR MA BUKHARI, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The order passed by the District Supplies Officer, Sabarkantha dated 30th November, 1996, cancelling therein, the retail licence of fair price shop of the petitioner has been affirmed by the Collector of the

District in the appeal and by the State Government in the revision application. Hence this special civil application.

#. On 29th August, 1996, the shop of the petitioner was inspected and on inspection, the following irregularities were found.

(i) As a retail dealer of Kerosene, the petitioner has not put up Board which shows the address of the shop

(ii) At the business premises Board which shows the stock of Kerosene is not put up.

(iii) At the business premises no barrels are found of Kerosene.

(iv) Every month whenever the petitioner receives the stock of Kerosene on such days only the shop is kept open by the petitioner. The shop is not kept open daily.

#. The learned counsel for the petitioner contended that these are technical irregularities for which licence should not have been cancelled. I do not find any merits in this contention. All the three authorities have taken this to be very serious irregularities and retail licence has been cancelled. To this judgment, no exception can be made. Otherwise also, explanation furnished by learned counsel for the petitioner for these irregularities is wholly unjustified, unfair and unreasonable. It is apparently concocted and manufactured defence. Even if it is taken that the owner of the shop has objected for this putting of sign board on the shop, the price list of the stock, the barrel, both empty and filled, the petitioner has not produced any evidence in support of the same. In the absence of any evidence produced from the owner it is difficult to accept that the owner has not permitted to put all these things as there was marriage in the family. Moreover, the learned counsel for the petitioner when asked by the court, has failed to give out on which date marriage was there. Non putting of the sign board and price list and stock list as well as barrel on the shop is very very serious matter and it gives out prima facie that the petitioner indulged in malpractices etc. This explanation furnished during the course of argument that all the empty barrels were sent for repair and other barrels were placed in other part of the house is wholly unconvincing and cannot be accepted. The very fact that the barrels were put elsewhere and not on the shop is a

serious matter and for these irregularities, rightly, the minimum penalty should have been of cancellation of licence which has accordingly been done to which no exception can be taken.

#. As a result of this discussion, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, earlier granted stands vacated. The petitioner is directed to pay Rs.500/= as costs of this petition to the respondents.

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(sunil)